

REMARKS

This Response is submitted in reply to the Final Office Action dated March 24, 2008. Claims 1, 8, 20, 24, 25, 27, 28, 47 and 48 have been amended. Claims 15 to 19, 32 to 46 and 51 to 56 stand withdrawn. No new matter has been added by any of these amendments.

A Supplemental Information Disclosure Statement, a Petition for a One-Month Extension of Time and a Request for Continued Examination are submitted herewith. Please charge deposit account number 02-1818 any fees which are due in connection with the Supplemental Information Disclosure, the Petition for a One-Month Extension of Time, the Request for Continued Examination and the Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner provide an upcoming Office Action which will ". . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

The Office Action rejected Claims 1 to 4, 8 to 11, 20 to 23, 25 to 28 and 47 to 50 under 35 U.S.C. §102(a) as being obvious over "The Price is Right Dice Game" archived web page of <http://gscentral.net/dice.htm>, (8-22-2004 downloaded from <http://web.archive.org/web/20040822075604/http://gscentral.net/dice.htm> on 8-19-2007, hereafter referred to as "Dice Game") in view of U.S. Patent No. 6,406,369 to Baerlocher, et al. ("Baerlocher"). Applicant submits that the rejection under 35 U.S.C. §102(a) as stated above appears to be a rejection under 35 U.S.C. §103(a). Accordingly, Applicant will proceed as if Claims 1 to 4, 8 to 11, 20 to 23, 25 to 28 and 47 to 50 are rejected under 35 U.S.C. §103(a) as being obvious over Dice Game in view of Baerlocher. Applicant respectfully disagrees with this rejection.

Dice Game discloses a game where a player rolls a die for each digit in the price of a car. If a player rolls the die and the value on the die equals the value of the corresponding digit in the price of the car for that roll, the digit in the price of the car for that roll is automatically displayed and the player moves on to the next digit. If the

player rolls the die and the value on the die does not equal the value of the corresponding digit in the price of the car for that roll, the player must guess if the value on the die is higher or lower than the value of the corresponding digit in the price of the car for that roll. If the player correctly guesses higher or lower, the corresponding digit in the price of the car for that roll is displayed and the player moves on to the next digit in the price of the car. If the player incorrectly guesses higher or lower, the game ends. Every digit in the price of the car must be displayed to the player for the player to win the car.

Baerlocher discloses “[a] gaming device having a bonus scheme wherein the player takes part in a contest or competition, the success of which determines the player's bonus award”. The Office Action relied on Baerlocher for disclosing a gaming device including a display device and controller.

Independent Claim 1 is generally directed to a gaming device including a plurality of component symbols, a plurality of prediction symbols and a display device. The gaming device includes a processor configured to operate with the display device, for each play of a game, to: (a) select one of the component symbols, (b) designate one of the symbols of the plurality of prediction symbols, (c) display the designated prediction symbol to a player, (d) change a first modifier based on the displayed prediction symbol, and (e) change a second modifier if the prediction symbol matches the selected component symbol. If the prediction symbol does not match the selected component symbol, the processor is configured to operate with the display device, for each play of the game, to (i) form at least two symbol sets based on the prediction symbol, wherein one of the symbols sets includes the selected component symbol, (ii) enable the player to input a prediction of which formed symbol set includes the selected component symbol, (iii) display the selected component symbol to the player and (iv) change a third modifier if the player correctly picked which symbol set includes the selected component symbol. The processor is also configured to operate with the display device, for each play of the game, to: (g) repeat steps (a) to (f) until each of the component symbols is displayed and (h) cause an award to be provided to the player, the award based on the first modifier, the second modifier and the third modifier.

As discussed during the interview, Applicant submits that neither Dice Game nor Bearlocher individually nor the gaming device resulting from the combination of Dice Game and Baerlocher anticipates or renders obvious a gaming device including processor configured to operate with the display device, for each play of the game, to repeat steps (a) to (f) of amended independent Claim 1, until each of the component symbols is displayed. In Dice Game, if the player rolls the die and the value on the die does not equal the value of the corresponding digit in the price of the car for that roll, and the player incorrectly guesses higher or lower, the game ends, regardless of any remaining digits in the price of the car. That is, not every play of the game of Dice Game will result in each of the digits in the price of the car (i.e., interpreted as the component symbols of the gaming device of Claim 1) being displayed to the player. Moreover, Dice Game specifically discloses “one mistake and the game is lost”. On the other hand, the gaming device of amended independent Claim 1 includes, amongst other elements, a processor configured to operate with the display device, for each play of the game, to repeat steps (a) to (f), until each of the component symbols is displayed. That is, for each play of the game, each of the component symbols (i.e., interpreted as the digits of Dice Game) is displayed. For at least this reason, Applicant respectfully submits that amended independent Claim 1 is patentably distinguished over Dice Game and Baerlocher and is in condition for allowance.

The interview summary stated that:

[t]he examiner had taken the modifiers to be the decimal-weighted digits of the price in “Dice Game”. Each of the modifiers in “Dice Game” has two possible criteria. Mr. Abern explained that the modifiers as specified each had only one criterion.

Applicant respectfully clarifies that as discussed during the interview, each of the modifiers of the gaming device of amended independent Claim 1 are changed based on one criterion or event occurring. On the other hand, as discussed during the telephone interview, Applicant submits that Dice Game, as being interpreted by the Examiner, has

two possible criteria for changing each digit in the price of the car. Specifically, the two criteria for changing each digit in Dice Game include: (i) if a player rolls the die and the value on the die equals the value of the corresponding digit in the price of the car for that roll, or (ii) if the player correctly guesses if the value on the die is higher or lower than the value of the corresponding digit in the price of the car for that roll. On the other hand, the gaming device of amended independent Claim 1 has three modifiers (which are each changed based on a different event occurring). The gaming device of amended independent Claim 1 includes changing: (i) a first modifier based on the displayed prediction symbol, (ii) a second modifier if the prediction symbol matches the selected component symbol, and (iii) a third modifier if the player correctly picked which symbol set includes the selected component symbol. Applicant submits that neither Dice Game nor Baerlocher individually, nor the combination of Dice Game and Baerlocher anticipates or renders obvious a gaming device including a processor configured to operate with the display device, for each play of the game, to: (d) change a first modifier based on the displayed prediction symbol, (e) change a second modifier if the prediction symbol matches the selected component symbol and (f)(iv) change a third modifier if the player correctly picked which symbol set includes the selected component symbol. Moreover, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dice Game and Baerlocher to result in such a gaming device without reasonably being construed as improper hindsight reconstruction. For at least this reason, Applicant respectfully submits that amended independent Claim 1 is patentably distinguished over Dice Game and Baerlocher and is in condition for allowance.

Amended independent Claims 8, 20, 25, 27, 28 and 47 each include certain similar elements to amended independent Claim 1. For reasons similar to those discussed above with respect to amended independent Claim 1, amended independent Claims 8 and 28 (and dependent Claims 2 to 7, 9 to 14, 21 to 24, 26, 29 to 31 and 48 to 50) are each patentably distinguished over Dice Game and Baerlocher and are in condition for allowance.

Additionally, amended independent Claim 20 is generally directed to a gaming device including, amongst other elements, a processor configured to operate with the display device, for each play of a game, to randomly select at least one of the component symbols and for each selected component symbol to: (d) if the prediction symbol does not match the selected component symbol, (i) form at least two of the symbol sets based on the prediction symbol, wherein one of the symbols sets includes the selected component symbol, (ii) display the symbols from the symbol set including the selected component symbol, (iii) enable the player to try to pick the selected component symbol by picking one of the displayed symbols, (iv) display the selected component symbol to the player and (v) cause the award to be provided to the player if the player correctly picked the selected component symbol.

The Office Action stated that the combination of Baerlocher and Dice Game:

"[t]each a gaming device comprising...a processor operable with said display device to select at least 10 one of said component symbols and or each selected component symbol to:... enable the player to try to pick the selected component symbol by picking one of the displayed symbols."

Applicant respectfully disagrees and submits that, as previously discussed in the Response to Non-Final Office Action dated August 27, 2007, the combination of Dice Game and Baerlocher only enables players to make a higher or lower selection. That is, in Dice Game, if the value on the die does not match the corresponding value of the digit in the price of the car for that roll, the player is enabled to guess if the value on the die is higher or lower than the corresponding value of the digit in the price of a car for that roll. Thus, Applicant submits that Dice Game does not enable the player to try to pick the selected component symbol by picking one of the displayed symbols. Applicant submits that enabling a player to pick higher or lower, as disclosed in Dice Game, is patentably different than enabling a player to try to pick the selected component symbol by picking one of the displayed symbols, as disclosed in amended independent Claim 20. Therefore, Applicant submits that neither Dice Game nor Baerlocher individually, nor the combination of Dice Game and Baerlocher anticipates or renders obvious a processor configured to operate with the display device, for each play of the game, to

randomly select at least one of the component symbols and for each selected component symbol, if the prediction symbol does not match the selected component symbol, form at least two of the symbols sets based on the prediction symbol, wherein one of the symbol sets includes the selected component symbol, display the symbols from the symbol set including the selected component symbol and enable the player to try to pick the selected component symbol by picking one of the displayed symbols. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Dice Game and Baerlocher to result in such a gaming device without reasonably being construed as improper hindsight reconstruction. For at least these reasons, Applicant respectfully submits that amended independent Claim 20 is patentably distinguished over Dice Game and Baerlocher and is in condition for allowance.

Amended independent Claims 25, 27 and 47 each include certain similar elements to amended independent Claim 20. For reasons similar to those discussed above with respect to amended independent Claim 20, amended independent Claims 25, 27 and 47 (and dependent Claims 21 to 24, 26 and 48 to 50) are each patentably distinguished over Dice Game and Baerlocher and are in condition for allowance.

The Office Action rejected Claim 24 under 35 U.S.C. §103(a) as being unpatentable over Dice Game and '369 in view of Scarne.

Scarne discloses wild cards in a poker game. More specifically, Scarne discloses that the "wild card can be used to represent any card of any suit and any denomination, even as a duplicate of a card already held by the player." Additionally Scarne discloses dealing cards face up in a Black Jack or 21 game. Specifically, Scarne discloses "[t]he dealer, starting with the player on his extreme left, begins dealing clockwise, giving one card face up to each player and one face up to himself".

Page 16 of the Office Action stated:

'369 and Dice Game lack in initially displaying one of the components numbers, but this would have been obvious to one of ordinary skill in the art at the time the invention was made in light of Scarne ("Scarne's Encyclopedia of Card Games", by John Scarne, 1973, HarperCollins, Pages 9 and 10 discussing wild cards in poker and Page 282 discussing dealing one card face up to each player and the dealer, entered as NPL

08-27-2007). Poker and blackjack are both analogous to Dice Game in that the player is attempting to obtain a winning combination of indicia. Wheel of Fortune also teaches allowing players to buy a vowel (an initial display of certain indicia in a target combination), which is analogous (<http://web.archive.org/web/20040812155927/http://wheeloffortuneinfo.com/index.html>). U.S. patent 5,788,573 A to the applicants (102(b)) teaches applying a game show as a bonus game in a wagering machine. The advantage of this combination would be to give the players a better chance at obtaining the winning combination of indicia, namely the correct price of the car in Dive Game.

Applicant respectfully disagrees and submits that regardless of whether it would have been obvious to combine Dice Game and Scarne to result in a game that initially displays one of the component numbers, neither Dice Game nor Scarne individually, nor any combination of Dice game and Scarne anticipates or renders obvious a gaming device including, amongst other elements, a processor configured to operate with the display device, for each play of the game, to randomly select at least one of the component symbols and for each selected component symbol to: (d)(iv) display the selected component symbol to the player. Moreover, neither Dice Game nor Scarne individually, nor any combination of Dice game and Scarne anticipates or renders obvious a gaming device including, amongst other elements, a processor configured to operate with the display device, for each play of the game, to randomly select at least one of the component symbols and for each selected component symbol to enable the player to try to pick the selected component symbol by picking one of the displayed symbols. On the other hand, amended Claim 24 includes, amongst other elements, a processor configured to operate with the display device, for each play of the game, to randomly select at least one of the component symbols and for each selected component symbol to: (d) if the prediction symbol does not match the selected component symbol, (iii) enable the player to try to pick the selected component symbol by picking one of the displayed symbols and (iv) display the selected component symbol to the player. Moreover, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dice Game and Scarne to result in such a gaming device without reasonably being construed as improper hindsight

reconstruction. For at least this reason, Applicant respectfully submits that Claim 24 is patentably distinguished over Dice Game and Scarne and is in condition for allowance.

Page 16 and Page 17 of the Office Action referred to a Wheel of Fortune Game and U.S. Patent No. 5,788,573, however, Applicant submits that neither the Wheel of Fortune game nor U.S. Patent No. 5,788,573 was relied on for any of the above described rejections. Nevertheless, Applicant submits that Claim 24 is patentably distinguished over Wheel of Fortune, U.S. Patent No. 5,788,573, Dice Game, Baerlocher and Scarne, and any gaming device resulting from the combination of Wheel of Fortune, U.S. Patent No. 5,788,573, Dice Game, Baerlocher and Scarne.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

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